

REMARKS

Claims 31, 43 and 44 have been amended. No new matter has been added. Claims 1-30 were previously canceled. Claims 31-44 are currently pending in this application.

Claims 43 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, Applicants have rewritten claims 43 and 44 in independent form to include all limitations of the base claim and intervening claims, and a clarifying amendment to the preamble. Applicants, therefore, respectfully request the withdrawal of this objection.

Claims 31-34, 37, and 39 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Ovshinsky, U.S. Reissued Patent No. 37,259 (Ovshinsky). This rejection is respectfully traversed.

Amended independent claim 31 recites a “resistance variable device” comprising, *inter alia*, “the second electrode and resistance variable chalcogenide comprising material operatively connecting at an interface, the chalcogenide comprising material having a first region which is displaced from the interface at least by a chalcogenide material interface region having a higher content of “A” than the first region, and no metal chalcogenide agglomerations at the interface.” Ovshinsky, however, is silent about a lack of metal chalcogenide agglomerations at an interface between an electrode and a region of a chalcogenide comprising material. The Examiner has not stated that, and Ovshinsky does not disclose this limitation. For at least these reasons, withdrawal of this rejection is respectfully requested.

Claims 36, 38, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ovshinsky. This rejection is respectfully traversed.

In order for a reference to render a claim obvious, the reference must teach or suggest all the claim limitations. M.P.E.P., eight edition § 2142 (2001). As noted above, Ovshinsky does not teach or suggest all limitations of amended independent claim 31 from which claims 36, 38, 40 and 41 depend. For at least these reasons, withdrawal of this rejection is respectfully requested.

Claims 35 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ovshinsky in view of Kozicki et al., U.S. Patent No. 5,761,115 (Kozicki). This rejection is respectfully traversed.

As noted above, Ovshinsky does not teach or suggest all limitations of amended independent claim 31, from which claims 35 and 42 depend. Kozicki is cited for teaching a memory device comprising a chalcogenide with ion impurity such as silver and an anode comprising silver. Kozicki, however, is also silent about “no metal chalcogenide agglomerations at the interface,” as recited by independent claim 31. Accordingly, even when considered in combination, Ovshinsky and Kozicki fail to teach or suggest all limitations of claim 31. For at least these reasons, withdrawal of this rejection is respectfully requested.

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In view of the above amendment, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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